Supreme Court, U.S.
FILED
JAN 30 2010
OFFICE OF THE CLERK

No. 09-472

IN THE

SUPREME COURT OF THE UNITED STATES

WANDA SPANN
CHARLES SPANN

Petitioners,

v.

COBB COUNTY SUPERIOR COURT JUDGES, HOWARD "SKIP" CHESSHIRE, DAVID HANKERSON, and, FRANK COX, INDIVIDUALLY AND IN HIS CAPACITY AS COBB COUNTY CHIEF MAGISTRATE JUDGE

Respondents.

On Petition for Writ of Certiorari
To the Supreme Court of Georgia

PETITION FOR REHEARING

WANDA SPANN/CHARLES SPANN
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Petitioners, Pro Se

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I. PETITION FOR REHEARING

Petitioners [referred to herein as "Wanda Spann"] submit this petition for rehearing pursuant to this Court's Rule 44.2 because of "*intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.*" Wanda Spann filed Petition for Writ of Certiorari (Docket Case No 09-472) on October 22, 2009, Certiorari was denied by this Court on January 11, 2010.

What this august tribunal has failed to apprehend is that a case that has recently resulted in a reversal of an opinion of the United States Court of Appeals for the 11th Circuit, **MARCUS A. WELLONS *v.* HILTON HALL WARDEN**, ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, Cite as: 558 U. S. ____ (2010) Per Curiam is directly related to this action.

In Wellons (Id) this Court found it to be quite worthy of note that a certain State of Georgia, County of Cobb Superior Court Judge, and her bailiff, upon the conviction and sentencing to death of a man who had been accused of raping and killing a teenage girl were awarded a chocolate penis and breasts by the jury, in a manner that can only be seen as analogous to the awarding of the parts of a dead bull to the bullfighter.

This Judge of the Superior Court of Cobb County, Georgia, as noted in Wellons v. State, (266 Ga. 77 463) (S.E.2d 868) (1995) was the Honorable Mary Staley.

This Court wrote:

Petitioner Marcus Wellons was convicted in Georgia state court of rape and murder and sentenced to death. Although the trial looked typical, there were unusual events going on behind the scenes. Only after the trial did defense counsel learn that there had been unreported *ex parte* contacts between the jury and the judge, that jurors and a bailiff had planned a reunion, and that "either during or immediately following the penalty phase, some jury members gave the trial judge chocolate shaped as male genitalia and the bailiff chocolate shaped as female breasts," 554 F. 3d 923, 930 (CA11 2009). The judge had not reported any of this to the defense.

This same Honorable Judge Mary Staley concerning whom this Court has bound unusual events behind the scenes is the one and the same Judge Mary Staley who behind the scenes and all over the face of the record must be seen as having as brutally savaged your Petitioner in a manner not completely un-analogous to the manner Mr. Wellons raped and murdered his victim.

Mary Staley helped draft and execute a false affidavit and letters (Page 50 of Petitioners original Petition), submitted false affidavit (Page 81), submitted false memo's (Page 65), and provided other false information (Page 115). Petitioner was unfairly, wrongfully, and without even a semblance of due process raped of 23 years of devoted service, her pension, retirement and future.

Petitioner believes that she is entitled to the same protection by this Court from the machinations of Mary Staley as convicted rapist murderer Wellons is.

Of further recent discovery and worthy of note is that the Supreme Court of Georgia Justice that wrongfully rejected Petitioners appeal, Honorable Carol Huntstein, has been shown to be close to Mary Staley. They traveled together to luxury resorts in Puerto Rico and Mexico to serve as co-panelists in continuing legal education ethics presentations. (See Appendix Exhibit 1 hereto). It is further worthy of note that several of the Cobb County Judiciary, their family members, and other court officials collectively donated at least, as discovered to date, $5,866.91 to Judge Huntstein's election campaign.

II. CONCUSION:

It is a sad commentary on the state of the judiciary in Georgia when petty local political concerns allow for the total deprivation of due process and the pillaging of a loyal public servant who devoted 23 years of her life to the Court system only to be illegally cast out to suit the whims of corrupt and venal political and powerful interests. Cobb County has been well served by the Georgia Attorney General who pulled the wool over the lower Court's eyes and made it appear that a matter that was not addressed by the District Court for the Northern district of Georgia was somehow converted by that court's non-consideration to *res judicata*. I regret that my relative lack of familiarity and skill in the formulation of legal pleadings has prevented me from demonstrating the rightfulness of my claims with sufficient emphasis and clarity to persuade the Court to action. This Court would be perfectly justified in remanding this action for further consideration of the questions of whether the Northern district addressed the relevant questions and whether the Cobb Judges were immune to injunctive relief in an administrative/ministerial matter. As demonstrated however in-artfully in my original Petition these matters deserve investigation and I am entitled to relief.

Wherefore, Petitioner prays that the Court review and reconsider this action and provide the relief much deserved by petitioner and certainly as richly deserved as that afforded to the rapist/murderer Wellons.

III. CERTIFICATION UNDER RULE 44.2

Pursuant to this Court's Rule 44.2, Wanda Spann and Charles Spann hereby certify that this Petition for Rehearing is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. Spann hereby also certifies that this Petition for Rehearing is presented in good faith and not for delay.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this ___day of _____, 2010.

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IV. APPENDIX

EXHIBIT 1 ABREVIATED CONFERENCE AGENDAS

19TH ANNUAL SOUTHERN REGIONAL
ENTERTAINMENT & SPORTS LAW CONFERENCE
WEDNESDAY - SUNDAY • NOVEMBER 7 - 11, 2007
GRAN MELIA RESORT
San Juan, PR 00745 Puerto Rico

8:05 ANNUAL STATE OF THE ETHICAL ATTORNEY
Moderator: ***Hon. Carol W. Hunstein,*** Presiding Justice, Supreme Court of Georgia, Atlanta, GA
Panelists:
Hon. J. Stephen Schuster, Judge, Superior Court, Cobb Circuit, Marietta, GA
Hon. Mary Staley, Judge, Superior Court, Cobb Circuit, Marietta, GA
Ken Abdo, Lommen Abdo, Minneapolis, MN
Van Pearlberg, Sr. Assistant District Attorney, Cobb County, Marietta, GA

The 20TH Annual Entertainment & Sports Law Conference
Wednesday–Sunday • November 12–16, 2008
Fiesta Americana Grand Los Cabos Resort
Los Cabos, B.C.S, 23410

Thursday, November 13, 2008
8:00 the Ethical Attorney
Moderator: ***Hon. Carol W. Hunstein,*** Presiding Justice, Supreme Court of Georgia, Atlanta, GA
Panelists:
Hon. Adele L. Grubbs, Judge, Superior Court, Cobb Circuit, Marietta, GA
Hon. J. Stephen Schuster, Judge, Superior Court, Cobb

IN THE SUPREME COURT
OF THE UNITED STATES

WANDA SPANN, and	§	
CHARLES SPANN,	§	
	§	
Petitioners,	§	
	§	PETITION FOR
CERTIORARI		
versus	§	
	§	NUMBER: 09-472
COBB COUNTY SUPERIOR	§	
COURT JUDGES, et al.,	§	
	§	
Respondents,	§	
_____	§	

CERTIFICATE OF SERVICE

I Wanda Spann and Charles Spann hereby certify that I have this day served a copy of the Petition for Certiorari Rehearing upon the opposing parties via First Class United States Mail with sufficient postage attached, to:

Steffanie Walke Morrison.	George M. Weaver
Office of the Attorney General	Hollberg & Weaver, LLP
40 Capitol Square, SW	2941 Piedmont Rd., Ste. C,
Atlanta, GA 30334-1300	Atlanta, Georgia 30305

This ____ day of _____ 2010

_____

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Kennesaw, Georgia 30152

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Kennesaw, Georgia 30152